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EXAMINER	
LIPMAN, JACOB	

ART UNIT	PAPER NUMBER
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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOPHER W. BLACKBURN, RORY L. BLOCK,
THOMAS A. GENTLES, VIKRAM SWAMY, and
TERRY D. WARKENTIN

Appeal 2010-002773
Application 10/796,562
Technology Center 2400

Before JOSEPH L. DIXON, JEAN R. HOMERE, and STEPHEN C. SIU,
Administrative Patent Judges.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL[1]

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[1] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

I. STATEMENT OF THE CASE

A Patent Examiner rejected claims 1-9, 11-23, and 25-28. The Appellants appeal under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

A. INVENTION

The invention at issue on appeal relates to:

> An authorization service for a gaming network including gaming machines provides systems and methods for authorizing access requests to resources on the gaming network by service providers and other entities on the gaming network. The gaming services framework comprises a set of services, protocols, XML schemas, and methods for providing gaming system functionality in a distributed, network based architecture that includes gaming machines and servers. The systems and methods provide a service-oriented framework for gaming and property management based upon internetworking technology and web services concepts.
>
> (Abst.)

B. ILLUSTRATIVE CLAIM

Claim 1, which further illustrates the invention, follows.

> 1. A method for providing an authorization service in a gaming network including gaming machines, the method comprising:
>
> publishing the availability of the authorization service on the gaming network;
>
> sending service information for a gaming service to a discovery agent on the gaming network;

receiving by the authorization service from the discovery agent a request to authorize the gaming service;

providing an authorization response to the discovery agent;

in response to determining by the discovery agent using the authorization response that the gaming service is authentic and authorized, publishing by the discovery agent service information to a service repository to make the gaming service available on the gaming network;

discovering by the gaming service the availability of the authorization service; and

processing one or more service requests between the gaming service and the authorization service, said service requests conforming to an internetworking protocol.

C. REFERENCE

The Examiner relies on the following reference as evidence:

Gatto	US 6,916,247 B2	Jul. 12, 2005 (filed Apr. 10, 2002)

D. REJECTIONS

The Examiner makes the following rejections.

Claims 1-9, 11-23, and 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Gatto.

II. ISSUE

Has the Examiner made a proper showing of anticipation of independent claim 1 based upon Gatto? Specifically, does the Gatto reference teach "publishing by the discovery agent service information to a service repository to make the gaming service available on the gaming network"?

III. PRINCIPLES OF LAW

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros., Inc. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Analysis of whether a claim is patentable over the prior art under 35 U.S.C. § 102 begins with a determination of the scope of the claim. We determine the scope of the claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). The properly interpreted claim must then be compared with the prior art.

IV. ANALYSIS

At the outset, we note that Appellants have not filed a Reply Brief to respond to the Examiner's further clarification of the Examiner's rejection in the responsive arguments which relies upon column 12 of Gatto. (See Ans. 4-5).

Appellants have elected to group independent claims 1 and 15 together as a single group and have not provided separate arguments for patentability.[2] We select independent claim 1 and address Appellants' arguments thereto.

Appellants' argument centers on the following Brief contention:

> The portion of Gatto cited in the Final Office Action discloses the following. Gatto, at column 10, lines 55-63 discloses "[t]he authentication engine 834 may include functionality to consult a Certificate Authority (which may be located on a server on the network 102 or on a computer network connected thereto), certify the authenticity of the identification presented, authorize a given operation, ensure data integrity of data exchanged, securely time-stamp the operation (to ensure non-repudiation of the operation) and/or revoke illegal identifications, for example." The cited section indicates that an authentication engine may be used to authenticate identities (presumably of player identification means) or to authorize operations. There is no disclosure of authentication of a service, and further there is no disclosure of authorization of a service. The actions performed by the authentication engine 834 cited above all occur after a service has been instantiated (e.g., the player identification and operations of that may be performed by a service). In contrast, Appellant's claims recite a system and method in which a service is not allowed to be published on a

[2] 37 C.F.R. § 41.37(c)(1)(vii) follows in pertinent part.

When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately.

> gaming network unless it is authentic and authorized. Such an arrangement provides the advantage that services must be authenticated and authorized before being published on the network, thereby reducing the potential that a service may engage in harmful actions on a gaming network.
>
> (App. Br. 13)

Appellants then contend that column 10, lines 58-60, of Gatto fails to disclose the claimed "determining by the discovery agent using the authorization response that the gaming service is authentic and authorized, publishing by the discovery agent service information to a service repository to make the gaming service available on the gaming network." (App. Br. 13). The Examiner disagrees and further buttresses the rejection with citations to column 12 of Gatto, and Appellants failed to file a Reply Brief to respond thereto. We agree with the Examiner's position at pages 4-5 of the Answer and disagree with Appellants' summary position that Gatto does not "publish by the discovery agent service information to a service repository to make the gaming service available on the gaming network."

We find Appellants' arguments that

> [i]n contrast, Appellant's claims recite a system and method in which a service is *not allowed* to be published on a gaming network *unless* it is authentic and authorized. Such an arrangement provides the advantage that services must be authenticated and authorized before being published on the network, thereby reducing the potential that a service may engage in harmful actions on a gaming network

(App. Br. 13, emphasis added) is not commensurate in scope with the express language of independent claim 1. Independent claim 1 merely sets forth the condition precedent to the publishing and does not expressly state the argued "a service is *not allowed* to be published on a gaming network

unless it is authentic and authorized." Appellants' argument is not commensurate in scope with the express language of independent claim 1. Appellants' argument does not show error in the Examiner's showing of anticipation. Based upon the written administrative record before us, we find the teachings of the Gatto reference to anticipate the claimed invention.

V. CONCLUSION

For the aforementioned reasons, the Appellants have not shown error in the Examiner showing of anticipation of independent claim 1, and we sustain the rejection thereof and group independent claim 15 and dependent claims 2-9, 11-14, 16-23, and 25-28 therewith.

VI. ORDER

We affirm the anticipation rejection of claims 1-9, 11-23, and 25-28.

AFFIRMED

tkl

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